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Transmitted via email

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MINNESOTA BULLETIN NO. 300-4-8

SUBJECT: LTP – Technical Service Provider (TSP)

Purpose. To distribute additional information relative to the TSP requirements for Contribution Agreements.

Expiration Date. September 30, 2004

Action Required by District Conservationists with SWCD Contribution Agreements

Questions have arisen regarding the applicability of Technical Approval Authority (TAA) for work done by Soil and Water Conservation District (SWCD) staff under Contribution Agreements. The Contribution Agreement has specific wording which spells out the requirements for TAA, but some additional guidance is in order.

Under the Responsibilities Section of each Contribution Agreement, it states that the **District will:**

As required by the Cooperative Agreement between the DISTRICT and NRCS, provide qualified new or re-directed District staff that meets the criteria to perform technical assistance services in the categories shown in the attached plan of work. **DISTRICT staff must be certified and registered in the NRCS “TECHREG” Technical Service Provider web site** or hold the appropriate NRCS issued or recommended “Technical Approval Authority” for the work to be completed.

The portion of the clause highlighted in bold above is incorrect and will be removed prior to subsequent agreement approvals. Existing agreements will not be revised but must follow the guidance in this bulletin. The correct interpretation is that any partner member in a Contribution Agreement must hold the appropriate NRCS issued TAA. The TechReg web-site certification process is only for TSPs without any connection to USDA.

SWCDs and their employees that are receiving or pursuing reimbursement for TSP assistance are not eligible to register on TechReg. The state office is still determining if SWCD employees currently listed on TechReg will be removed.

SWCD employees completing conservation practices through a Contribution Agreement must have both the practice planning TAA and the practice implementation TAA for all practices they provide assistance on. SWCD employees providing only practice planning tasks including status reviews only require

practice planning TAA for those practices being planned or being status reviewed. SWCD staff who don't have the proper TAA must work under the direct supervision of another SWCD employee with TAA or they are not eligible to perform and be reimbursed for work under contribution agreements.

NRCS has agreed to allow some SWCDs up to a one-year grace period to obtain the TAA required to perform the work items covered under their Contribution Agreement. This grace period does not grant these SWCDs an exception for receiving reimbursement. NRCS is not able to reimburse any SWCDs for TSP work until they have achieved the applicable TAA.

All conservation practices considered to be Professional Engineering are regulated by Minnesota state law and require licensed Professional Engineers (PE's) to approve that work. This requirement means that professional engineering work done under Contribution Agreements must be provided by the Joint Powers Board Area (JPA) engineers or other licensed engineers. NRCS is currently amending our Engineering TAA to allow those JPA Engineers that have professional certification to automatically meet NRCS Engineering TAA requirements. JPA employees that are not professionally certified must either work under another JPA engineer's supervision or have TAA issued by the NRCS Area Engineer.

NRCS staff are not authorized to sign-off (certify) on any work performed by TSPs being reimbursed through a Contribution Agreement.

The rates established in Contribution Agreements have been set for independently completed tasks or conservation practices. Contribution Agreement rules do not allow partners to be reimbursed for partially completed work tasks or partially completed practices. SWCDs can not be hired under a Contribution Agreement to perform tasks normally done by part-time or WAE employees.

Prior to submitting reimbursement through a Contribution Agreement each DC will work with their partnering SWCD to insure that staff providing TSP technical assistance understand the intent of this bulletin and the requirements of the Contribution Agreement. DCs should make requests for assistance in obtaining SWCD employee TAA to their Area Office. Each ASTC (FO) is responsible to insure that all Contribution Agreement payments they approve had the work performed by partner employees with the proper TAA.

Direct any questions on the information in this bulletin to Paul Flynn, State Resource Conservationist at 651-602-7870.

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State Conservationist

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